

REMARKS/ARGUMENTS

Reconsideration of this Application and entry of this Amendment is respectfully requested.

Objections to the Specification

The specification was objected to because of the use of trademarks without the generic terminology. Paragraph [0021] of the specification describes PEBAX®, VESTAMID®, and GRILON® generically as polyamide block copolymers. Paragraph [0025] describes AGELESS, MODURAN, and SECURE generically as oxygen absorbers containing iron. Paragraphs [0023], [0030], and [0032] have been amended above to capitalize some trademarks and insert generic terminology. Accordingly, Applicants respectfully request that the rejection be withdrawn.

35 U.S.C. §112 Rejections

Claims 5 and 15 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In particular, the Examiner states that claims 5 and 15 “are vague and indefinite because of their inclusion of trademarks which are not properly described in the specification with their generic terminology.” The specification includes or has been amended above to provide generic descriptions of the products referred to by their trademarks, thereby overcoming the rejection. Applicants therefore respectfully request that the rejection be withdrawn.

35 U.S.C. §103 Rejections

Claims 1-8, 9-17, 18-21, and 22-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,014,494 to George in view of U.S. Published Application Publication No. 2003/0083616 A1 to Lee *et al.* Applicants respectfully traverse the rejection. Independent claims 1 and 11 have been amended to recite that the pouch for packaging the balloon “includes a first layer including a plastics-coated foil, a porous second layer, and a third layer including a plastics-coated foil, wherein said second layer is between the first and third layers.” Neither the George patent, nor the Lee *et al.* publication, discloses such a pouch. The George patent discloses “conventional peel packages” (col. 2, lines 30-31) and suggests the use of foils (col. 2, lines 47-49). However, the George patent does not disclose the tri-layer pouch recited in independent claims 1 and 11. The Lee *et al.* publication discloses a container (32) with “an outer layer of polyester material, and an inner layer of a linear low density polyethylene material, and a foil layer between the inner and outer layers.” (page 4, ¶ 0026). Independent claims 1 and 11, on the other hand, recite that the foil layers are the inner and outer layers, with a

porous layer between them. Thus, even if combined, the George patent and Lee *et al.* publication do not disclose the features recited in independent claims 1 and 11. Claims 2-4, 9, 10, and 12-24 depend from and add features to independent claims 1 and 11, and are therefore patentable over the George patent and the Lee *et al.* publication for at least the same reasons as claims 1 and 11. Applicants therefore respectfully request that the rejection be withdrawn.

Claims 1-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,881,534 to Ahlqvist *et al.* in view of the Lee *et al.* publication. Applicants respectfully traverse the rejection. As noted above, independent claims 1 and 11 have been amended to recite that the pouch for packaging the balloon “includes a first layer including a plastics-coated foil, a porous second layer, and a third layer including a plastics-coated foil, wherein said second layer is between the first and third layers.” Neither the Ahlqvist *et al.* patent, nor the Lee *et al.* publication, discloses such a pouch. The Ahlqvist *et al.* patent discloses a gas impermeable package preferably containing “an aluminum layer or consists of aluminum foil. Other examples of suitable materials are PVDC, EVOH, PVOH, plasma coated multilayered structures containing SiO_x, Al₂O₃ etc., certain aromatic nylons, such as MXD-6 and the multilayered structures in the international patent application PCT/SE/00138.” (col. 6, lines 41-47). However, the Ahlqvist *et al.* patent does not disclose the tri-layer pouch recited in independent claims 1 and 11. The Lee *et al.* publication discloses a container (32) with “an outer layer of polyester material, and an inner layer of a linear low density polyethylene material, and a foil layer between the inner and outer layers.” (page 4, ¶ 0026). Independent claims 1 and 11, on the other hand, recite that the foil layers are the inner and outer layers, with a porous layer between them. Thus, even if combined, the Ahlqvist *et al.* patent and Lee *et al.* publication do not disclose the features recited in independent claims 1 and 11. Claims 2-10 and 12-24 depend from and add features to independent claims 1 and 11, and are therefore patentable over the Ahlqvist *et al.* patent and the Lee *et al.* publication for at least the same reasons as claims 1 and 11. Applicants therefore respectfully request that the rejection be withdrawn.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 543-0221.

Respectfully submitted,

/Catherine C. Maresh, Reg. No. 35,268/
Catherine C. Maresh
Registration No. 35,268
Attorney for Applicant

Medtronic Vascular, Inc.
3576 Unocal Place
Santa Rosa, CA 95403
Facsimile No.: (707) 543-5420